

Assessment, Research and Data Unit, Environmental Report			
<b>To:</b>	Maritime Authorisations Unit	<b>From:</b>	██████████ Senior Marine Advisor
<b>Date</b>	28 June 2024	<b>Maritime Usage Licence Application No:</b>	LIC240006
<b>Applicant:</b>	Department of Environment, Climate and Communications (DECC)		
<b>Type of maritime usage activity in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):</b>	<i>3. Marine environmental surveys for the purposes of site investigations or in support of an application under Part Xxi of the Act of 2000.</i>		
<b>Location of proposed Maritime Usage:</b>	A survey area is proposed off the coast of Counties Cork, Waterford and Wexford		

## Background

The Department of Environment, Climate and Communications (DECC) are applying for a Maritime Usage Licence to undertake geophysical surveys and carry out Day Grabs, Hammon grabs, drop camera surveys, and side scan sonar survey work off the coast of Counties Cork, Waterford and Wexford within the proposed area of the Draft South Coast Designated Maritime Area Plan (DMAP) to increase the amount of baseline data available on the area. The proposed total survey area is 475,223 hectares and the survey will take place over a maximum of 70 days. Ireland’s second offshore wind energy auction, ORESS 2.1 is planned as the first auction to take place in Phase Two and may procure up to 900 Megawatts of capacity from the planned DMAP off Ireland’s south coast, currently in draft form. In support of ORESS 2.1, the Department of Environment Climate and Communications (DECC) is planning a Geophysical Reconnaissance Survey. Data acquired will be made publicly available to participants in the ORESS 2.1 energy auction process.

## Assessment of Impacts of the Maritime Usage (AIMU) Report

The applicants AIMU report provided a project description, programme of works and assessed the impacts of the project on the receiving marine environment. Specifically, the AIMU Report (MERC, 8 March 2024) considered:

- Land & Soils
- Water
- Biodiversity
- Fisheries and Aquaculture
- Air Quality
- Noise & Vibration
- Landscape/Seascape
- Traffic & Transport (including navigation)
- Cultural Heritage (including underwater archaeology)
- Population & Human Health

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- Major Accidents & Disasters
- Climate
- Waste
- Material Assets
- Interactions

Having considered the nature, duration and location of the site investigation works and the information provided in the AIMU report and accompanying documentation, I conclude that there is no likelihood of significant effects on the receiving marine environment subject to the recommended licence conditions contained in this report.

### **National Policy and EU Directives**

As outlined in sections 6-8 of the AIMU report (MERC, 8 March 2024) the following European legislative instruments have been considered in the assessment of this licence application.

#### *i. Marine Strategy Framework Directive (2008/56/EC)*

Having reviewed and assessed the information submitted for this application, I am satisfied that the overall objective of this project does not contravene the objectives of the MSFD. Furthermore, I am satisfied that no implications shall arise from this project which would adversely affect MARAs obligations under the MSFD.

#### *ii. National Marine Planning Framework*

The National Marine Planning Framework (NMPF) sets the framework for the forward planning component of our marine planning system. I am satisfied that this project, when undertaken in accordance with the recommended licence conditions will be consistent with the objectives of the NMPF.

#### *iii. Water Framework Directive (2000/60/EC)*

Having reviewed and assessed the information submitted for this application, I am satisfied that the overall objective of this project does not contravene the objectives of the WFD. Furthermore, I am satisfied that no implications shall arise from this project which would adversely affect MARAs obligations under the WFD as the maritime usage will be undertaken outside the spatial extent of the Directive.

#### *iv. Environmental Impact Assessment Directive (2014/52/EU)*

The ARD Unit completed an assessment for EIA requirement on 26 June 2024. This concluded that the project does not fall within the scope of the EIA Directive and therefore an EIA is not required.

#### *v. Bird Directive ((79/409/EC) and Habitats Directives (92/43/EEC)*

The ARD Unit undertook an Appropriate Assessment in respect to this project. Having considered the documents submitted by the applicant, the observations received from the public consultation and the public bodies consultation on the application, the appropriate assessment concluded, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed maritime usage (either individually or in combination with any other plans or projects) will not adversely affect the integrity of any European sites, in view of the sites' conservation objectives, subject to the implementation of the mitigation measures. The ARD Unit specifies

mitigations that must be included as conditions in a licence that may be granted in respect of this Maritime Usage Licence application.

In addition, the applicant submitted an Annex IV Risk Assessment as part of their licence application. Having reviewed the Annex IV Risk Assessment, I am satisfied that there is no significant risk of potential impact on Cetaceans, Turtles or Otters from the proposed maritime usage activity. The mitigation measures recommended for mitigating against underwater noise disturbance in the Appropriate Assessment are in line with recommended mitigation measures for cetaceans in the Annex IV Risk Assessment submitted with the licence application.

### Consultations

A 30-day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations (2011, as amended) and under section 117(6)(b) of the Maritime Area Planning Act (2021, as amended), commencing on 7 May 2024, with the public invited to make observations. No submissions were received on foot of the public consultation.

MARA also invited observations on the licence application from the following public bodies: the Department of Agriculture, Food and the Marine, the Marine Institute, National Parks and Wildlife Service and the Sea Fisheries Protection Authority. Observations were received from three of the public bodies, these observations are summarised below.

Submission	MARA Response
<b>Department of Agriculture, Food and the Marine</b>	
<p>DAFM noted the importance of engaging with the fishing industry to ensure their concerns are adequately considered as part of the licensing process.</p> <p>DAFM also noted that the requirements of the National Marine Planning Framework should be followed, as well as ensuring that any proposed development should incorporate the principle of maximising co-existence with established activities in marine areas.</p>	<p>The MAP Act requires public consultation to be undertaken in relation to the Natura Impact Statement and the licence application. This consultation process, provides the public, including the fishing industry to engage in the licensing process. In addition to this, the ARD team recommends the inclusion of a condition in a MUL licence relating to this marine usage activity, that the holder engage the services of a fisheries liaison officer to ensure fishers are informed during the course of the marine usage activity. This condition is detailed in the engineers report associated with this licence application.</p> <p>As noted earlier in this report, the ARD is satisfied that the proposed maritime usage activity is consistent with the objectives of the National Marine Planning Framework.</p>

<p><b>Marine Institute</b></p>	
<p>The Marine Institute made general observations and provided an executive summary of their submissions, as well as more detailed submissions from two internal sections, the first from their Fisheries and Ecosystem Advisory Services Section and the second from the Marine Environment and Food Safety Services Section.</p> <p>The summarised observations are:</p> <ul style="list-style-type: none"> <li>• For site investigations to overlap (in area surveyed) with fisheries studies to gather empirical evidence of impacts on fisheries catch rates.</li> <li>• For any associated fisheries studies to follow set guidelines as outlined and provide standardized good quality data</li> <li>• To ensure the fisheries liaison officer carries out a sufficient level of stakeholder engagements, following established guidelines</li> <li>• Where feasible, the use of the sparker over the airgun is recommended, along with other mitigation measures relating to marine noise</li> <li>• The survey coordinator should consult with internal MI groups to minimise overlaps in surveys</li> <li>• To ensure other similar surveys are not occurring at the same time</li> <li>• Consider cumulative effects of the survey including longer term effects on fish and shellfish species and the broader ecosystem</li> </ul>	<p>In relation to the executive summary comments,</p> <ul style="list-style-type: none"> <li>• Future fisheries studies are outside the scope of this licence assessment</li> <li>• The ARD team recommends the inclusion of a condition in a MUL licence relating to this marine usage activity, that the holder engage the services of a fisheries liaison officer to ensure fishers are informed during the course of the marine usage activity. This condition is detailed in the engineers report associated with this licence application.</li> <li>• The sparker use in preference to the airgun is recommended as a condition in this report (condition 5).</li> <li>• The survey coordinator point is outside the scope of this licence assessment</li> <li>• Timings and possible overlaps are dealt with in a recommended condition in this report (condition 7)</li> <li>• Cumulative effects are considered as part of the AA report and determination report.</li> </ul>
<p><b>Fisheries and Ecosystem Advisory Services Section</b></p> <p><u>Fisheries studies &amp; underwater noise</u></p> <p>The MI note that the focus of the impacts of underwater noise in the application documentation is on protected species subject to the Birds and Habitats Directives and not on commercial fish and shellfish. The submission highlights that there are data gaps in terms of the impacts of</p>	<p><b>Fisheries and Ecosystem Advisory Services Section</b></p> <p><u>Fisheries studies &amp; underwater noise</u></p> <p>The assessment of impacts of underwater noise for this licence application has been undertaken using the best available scientific evidence. The ARD has recommended conditions for inclusion in a marine usage licence pertaining to this application to mitigate for impacts on</p>

underwater noise on commercial fisheries. Where feasible the MI requests that the proposed maritime activity should overlap with fisheries studies to gather empirical evidence on impacts on fisheries catch rates.

The MI also noted the sensitivity of minke whales and herring to underwater noise generated through the use of airguns. The MI recommend the use of a sparker rather than an airgun due to the sensitivity of the minke whale to this noise level and given their occurrence in the survey region.

#### Integrated Monitoring

The MI recommended that any fisheries studies undertaken should follow an integrated monitoring approach and have clear defined objectives, e.g. monitor catch rates before, during and after site investigation activities, baseline data on communities and habitats.

#### Cumulative impacts

The MI stated that the cumulative effects of repeated surveying of this nature is an important consideration and MARA should consider the likely effects given the current number of licensed and prospective applications of a similar nature in the same area.

cetaceans and birds from underwater noise.

With regard to fisheries studies, these are not part of the proposed marine usage activity and as such including a requirement in the licence for the activity to overlap with fisheries studies is outside the scope of the MUL process. However, the MI may engage with DECC to coordinate gathering evidence while the surveys are being undertaken.

In addition, the ARD takes note that there is an absence of substantial baseline evidence pertaining to the impacts of underwater noise on commercial fisheries. Future research should be directed towards filling this data gap to ensure availability of comprehensive data and evidence to inform future relevant environmental assessments.

#### Integrated Monitoring

The ARD recognises the need for an integrated monitoring approach to inform a comprehensive assessment of the marine environment for the development of offshore wind projects. However, the collection of data relating to fisheries catch data is outside the scope of this particular authorisation process. Such information could be used to inform the baseline for designated marine area plans or environmental impact assessments associated with offshore wind developments.

#### Cumulative impacts

As part of the appropriate assessment process, the ARD considered the in-combination effects of other relevant projects. A recommended condition is included in this report to consider the cumulative impacts on the marine environment where there is potential for temporal overlap of similar activities.

<p><b>Marine Environment and Food Safety Services Section</b></p> <p>This section of the observations deals with some similar concerns, one of which relates to cumulative effects and highlights some relevant research in the area.</p> <p>A suggestion is made recommending the inclusion of mitigation measures for marine mammals and birds. They state they are satisfied these will mitigate any risk</p> <p>A similar point is raised again in this submission relating to wider ecosystem effects and to longer term effects of windfarms in the marine environment.</p> <p>The submission goes on to recommend some publications related to the area of ecosystem based ORE impacts and that future data gathering surveys be carried out in a coordinated manner.</p> <p>The submission concludes with the observation that the Marine Institute finds that, notwithstanding their recommendations, the proposed site investigation survey will not have a significant impact on the marine environment in the survey area.</p>	<p><b>Marine Environment and Food Safety Services Section</b></p> <p>MARA acknowledges this point and this is dealt with in the previous response. Also please see suggested condition 7 of this report</p> <p>Please see suggested conditions 5 and 6 of this report</p> <p>Wider ecosystem effects are considered in the AA report and determination and impacts of windfarm structures in the marine environment are beyond the scope of this licence assessment.</p> <p>While these are welcomed, these are outside the scope of this licence assessment.</p> <p>This corresponds with the ARD unit assessment, bearing in mind the implementation of the relevant mitigations.</p>
<p><b>Sea Fisheries Protection Authority</b></p>	
<p>The SFPA submission from the Dunmore East office raises the importance of the Fisheries Liaisons role during this survey to minimise disturbance to commercial fishers operating in the area. Otherwise it identifies no potential negative impacts</p>	<p>The ARD team recommends the inclusion of a condition in a MUL licence relating to this marine usage activity, that the holder engage the services of a fisheries liaison officer (FLO) to ensure fishers are informed during the course of the marine usage activity. This condition is detailed in the engineer's report associated with this licence application.</p>

<p>The SFPA submission from the Clonakilty office flags potential disturbance to demersal and pot fishing during the period of the survey as a result of potential negative effects of the proposed survey on various commercially exploited fish stocks. Otherwise it identifies no potential negative impacts.</p>	<p>The ARD team is satisfied that the existing mitigation measures as outlined in this report and the recommendation in the associated engineers report that a condition be included in any licence issued requires that a FLO be engaged during this survey should mitigate any of the potential risks highlighted in this submission.</p>
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## Conclusion and Recommendation

Having considered the information submitted in support of the application, I have no objection to the granting of a Maritime Usage Licence under Section 119 of the MAP Act for this application subject to inclusion of the following conditions:

1. This licence is for the purposes of licensing under the Maritime Area Planning Act, 2021, as amended, and nothing in this licence shall be construed as negating the Holders statutory obligations or requirements under any other enactments or regulations.  
**Reason:** *To clarify the scope of this licence.*
2. The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted by the Holder in support of the application for this Licence.  
**Reason:** *In the interest of clarity and to ensure the protection of the marine environment*
3. The Holder shall ensure that all vessels engaged in this Permitted Maritime Usage conform to Irish Certification standards for vessels, as required by the Marine Survey Office.  
**Reason:** *To ensure protection of the marine environment.*
4. The Holder shall ensure that all vessels used in this Permitted Maritime Usage take all reasonable practical measures to ensure they are free of invasive marine species on their hulls and in their ballast water.  
**Reason:** *To ensure the protection of the marine environment.*
5. The holder shall carry out a maximum of 80 grab samples (using either Day or Hammon grabs) during the survey period covered by this Permitted Usage Licence.  
**Reason:** *To ensure the protection of the marine environment.*
6. Marine Mammals
  - i. The Holder shall appoint a marine mammal observer for the purposes of overseeing the activity. The Holder shall ensure the marine mammal observer shall satisfy the requirements of National Parks and Wildlife Service guidance.
  - ii. The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with National Parks and Wildlife guidance.



iii. The Holder, upon completion of the Permitted Maritime Activity, shall forward all reporting to [offshore@npws.gov.ie](mailto:offshore@npws.gov.ie) and [enforcement@mara.gov.ie](mailto:enforcement@mara.gov.ie).

**Reason:** *To ensure the protection of the marine environment.*

7. Birds

i. Where the Holder observes significant clusters of birds, actively fishing and/or diving, within 500m of the survey vessel, in carrying out the Permitted Maritime Usage, the survey route shall be altered to maintain a 500m buffer from the birds. Appropriate records must be retained by the Holder.

**Reason:** *To ensure the protection of the marine environment.*

8. Fisheries

The Holder shall utilise the “Sparker” system, as described in the plans and particulars of the application as submitted by the Holder in preference to the airgun system when carrying out sub-surface geology data collection. The airgun shall only be used on occasion when it is not possible to use a sparker to collect data to the required depth of up to 100m. Appropriate records must be retained by the Holder.

**Reason:** *To ensure the protection of the marine environment.*

9. In-combination effects

i. The Holder shall coordinate with other authorisation holders within a 24km radius of the site boundary to ensure that no temporal overlap occurs between projects in respect of geophysical, seismic and geotechnical activities.

ii. Where the Holder becomes aware of temporal overlap that cannot be resolved, the Holder shall notify the Grantor who shall determine the timing of activities.

**Reason:** *To ensure the protection of the marine environment.*

10. On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at [hdc@hdc.hydro.gov.uk](mailto:hdc@hdc.hydro.gov.uk) with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

**Reason:** *To ensure protection of the marine environment through availability of monitoring data.*

11. The Holder, upon completion of the Permitted Maritime Activity, shall submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage at [marine.env@housing.gov.ie](mailto:marine.env@housing.gov.ie). This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.

**Reason:** *To ensure protection of the marine environment through availability of monitoring data.*

12. The Holder shall keep the following documents together and available for inspection by the Grantor:

- i. a copy of the licence related to this Permitted Maritime Usage;
- ii. all correspondence with the Grantor;
- iii. up to date drawings, plans and maps relating to the Permitted Maritime Usage;



- iv. documents and photographs and other relevant records relating to the Permitted Maritime Usage to provide evidence of compliance with licence conditions;
- v. marine positional log; and,
- vi. any elements of the licence application and associated documentation referenced in this licence.

**Reason:** *To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.*

13. Accidental events

The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:

- i. Information on the location and detail of spill response resources on-board;
- ii. Information on crew training in relation to oil pollution response;
- iii. How crew will interface with other site investigation operators, where applicable.

**Reason:** *To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.*

[Redacted]

[Redacted]

Senior Marine Advisor

28 June 2024